

COMPLIANCE REVIEW

VENTURA YOUTH CORRECTIONAL FACILITY



Prepared by:

California Department of Corrections and Rehabilitation
Office of Audits and Compliance

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EDUCATION SERVICES REMEDIAL PLAN

Division of Juvenile Justice, Education Services Remedial Plan

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EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) utilized the Education Services Remedial Plan, Sections III and V, to determine whether Mary B. Perry High School (MBPHS), located at Ventura Youth Correctional Facility, is in compliance with the policies and identified areas outlined in the Education Services Remedial Plan. The CPRB reviewed the following Education Services action items: 3.15, 5.6, 5.7, and 5.8.

The review period for the Education Services Remedial Plan was August 2009 through November 2009, with fieldwork conducted on January 11 through January 14, 2010.

The CPRB concludes that MBPHS is in partial compliance (PC) with action item 3.15, in reference to school attendance; action item 5.6, in reference to a full continuum of special education services to special education eligible students; action item 5.7, in reference to special education students receiving 90 percent or more of mandated services; and action item 5.8, in reference to verification that services listed in IEP's are being provided.

The findings are as follows:

- For action item 3.15, the Absentee Codes report the student's excused and unexcused absences; however, MBPHS is not applying the codes in a standardized manner. Therefore, the student's absence numbers documenting the student's excused and unexcused absences provided cannot be verified by the CPRB.
- For action item 3.15, the Teacher Monthly Average Daily Attendance (ADA) Special Day Class (SDC) Summary and the Ward Information Network (WIN) Attendance Tracking reports do not accurately indicate excused and unexcused attendance numbers.
- For action item 3.15, the mathematical formula utilized in the WIN Attendance Tracking report to calculate the percentages of excused and unexcused absences is ambiguous; the numbers provided cannot be verified or replicated.
- For action item 5.6, special education and related services were not provided to all special education eligible students.
- For action items 5.7 and 5.8, special education staff failed to provide 90 percent of the required service hours in the Individualized Education Plan (IEP) to a number of students.

BACKGROUND

On November 19, 2004, a Consent Decree was entered into in the case of *Farrell v. Allen*. The Consent Decree required the defendant, now the Division of Juvenile Justice (DJJ), to file Remedial Plans in all areas of deficiency identified by the Court appointed experts by January 31, 2005. In January 2005, in response to the Consent Decree, DJJ made the decision to reform California's juvenile system into a rehabilitative model based on a therapeutic environment.

The DJJ has established a Farrell Task Force Team to develop, implement, and measure compliance within the scope of the six Remedial Plans. As part of the Farrell Task Force, the CPRB is charged with assessing compliance and if applicable, recommending corrective actions related to the findings.

The CPRB will be reviewing specific action items that make up the six Remedial Plans. The action items that have been selected for review are based on risk to the Department. These issues include, but are not limited to, 18 items with a time sensitive date and key indicators. The review will be evaluated using a compliance rating system. Each action item will be evaluated by whether it is in substantial compliance (SC) 85 percent and above, PC 84 percent to 50 percent or noncompliance (NC) 49 percent and below. Items that result in a yes or no compliance level will be rated as SC or NC. Items that cannot be rated will be categorized as not ratable (NR). Due to the diversity and occasional abstract content of the action items, a numeric rating system cannot always be utilized. As a result, a narrative rating system will be used to evaluate the level of compliance.

The specific objectives of the review are to:

- Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days;
- During site visits and through staff interviews, determine whether the continuum of available special education services is provided to all eligible students including those assigned to restricted settings; and
- Review 10 or 10 percent, whichever is greater, of special education files at each site to verify that eligible students are receiving the required number of segments and full instruction day.

The CPRB determined whether the objectives are met by reviewing:

- WIN Attendance Tracking report;
- Local policies and procedures for school attendance;
- List of students who have been absent for the last 30 school days;

- List of class closures and non-education activities;
- IEP for a total number of special education services required;
- Special education report for proof that 90 percent of services are provided;
- Review One Day Class Roster from WIN (general resources) to ensure 240 minutes of instruction;
- Review attendance for possible interference with the 240 minutes of instruction (work assignments, dorm hold-backs, counseling, position vacancies, drug classes, etc.);
- List of special education youth on restricted programs;
- Cross reference with WIN Attendance Tracking report and the monthly IEP special education report;
- Ensure numbers equal 240 minutes of education/instruction for SDC Students, plus 90 percent of all special education students received 90 percent of required special education services;
- IEP for a total number of special education services required;
- WIN Attendance Tracking (general resources) to ensure 240 minutes of instruction;
- Service provider log and education files, to verify accuracy of services to special education students;
- Interview students to determine whether they are receiving special education and general education for a total of 240 minutes of education instruction (segments); and
- Education Services Remedial Plan, Sections III and V.

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
3.15	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days.</p> <p>Methodology:</p> <p>Review WIN Attendance Tracking report.</p> <p>Review local policies and procedures for school attendance.</p> <p>Review list of students who have been absent for the last 30 school days.</p> <p>List of class closures and non-education activities.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 28.</p>		X			<p>Partial Compliance</p> <p>Finding 1:</p> <p>MBPHS is not applying the Absentee Codes in a standardized manner.</p> <p>Cause:</p> <p>The Absentee Codes document that is used at MBPHS to determine the reason a student missed class and whether that reason was excused or unexcused, is not standardized between MBPHS and Central Office education. The lack of standardization inflates the number of monthly student absentees.</p>	<ol style="list-style-type: none"> 1. MBPHS and Central Office work collaboratively to standardize the Absentee Codes. 2. Provide training to: <ul style="list-style-type: none"> • MBPHS Principals so that they are able to present accurate data to the court experts. • MBPHS education staff that input attendance data into the WIN system. • Security staff that document absentee codes into the daily attendance report. • Central Office education staff that input data into the WIN Attendance Tracking report. 	<p>The student absence numbers related to excused and unexcused absences provided by Central Office education to MBPHS cannot be verified by the CPRB.</p> <p>It should be noted that MBPHS students are scheduled for a full continuum of services, as all students reviewed were scheduled for a complete school day (five classes).</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
							3. MBPHS and Central Office work collaboratively to present the finalized absentee system with the formula that identifies the accurate percentages of excused and unexcused students to the court experts for their feedback.	

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
3.15	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days</p> <p>Methodology:</p> <p>Review WIN Attendance Tracking report.</p> <p>Review local policies and procedures for school attendance.</p> <p>Review a list of students who have been absent for the last 30 school days.</p> <p>List of class closures and non-education activities.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 28.</p>		X			<p>Partial Compliance</p> <p>Finding 2:</p> <p>The Teacher Monthly ADA SDC Summary and the WIN Attendance Tracking report do not accurately indicate excused and unexcused attendance numbers.</p> <p>Cause:</p> <p>The Teacher Monthly ADA SDC Summary only reports the total absence rate; it cannot be used for the purpose of excused and unexcused absentee rates.</p> <p>The WIN Attendance Tracking Report combines</p>	<ol style="list-style-type: none"> 1. MBPHS and Central Office work collaboratively to ensure the WIN Attendance Tracking report indicates accurate percentages of excused and unexcused student absences. 2. Provide training to: <ul style="list-style-type: none"> • MBPHS education staff that input the attendance data into the WIN system. • Security staff that document absentee codes into the daily school attendance report. • Central Office education staff that input data into the WIN Attendance Tracking report. 	Education Remedial Item 3.15 requires the facilities monthly numbers of excused and unexcused absences and the total student absence rate.

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
						excused and unexcused attendance numbers. As the attendance numbers are combined and lacking a standardized absentee coding system, student attendance numbers are inaccurate.	3. MBPHS and Central Office work collaboratively to present the finalized absentee system with the formula that identifies accurate percentages of excused/unexcused students to the court experts for their feedback.	

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
3.15	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days.</p> <p>Methodology:</p> <p>Review WIN Attendance Tracking report.</p> <p>Review local policies and procedures for school attendance.</p> <p>Review a list of students who have been absent for the last 30 school days.</p> <p>List of class closures and non-education activities.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 28.</p>		X			<p>Partial Compliance</p> <p>Finding 3:</p> <p>The mathematical formula used by the WIN Attendance Tracking report to indicate the percentages of excused and unexcused absences is ambiguous; the numbers provided cannot be verified or replicated.</p> <p>Cause:</p> <p>The CPRB reviewed the WIN Attendance Tracking report that was developed to address items 3.15 and 3.19. The document is unclear. Excused and unexcused absence numbers</p>	<ol style="list-style-type: none"> 1. MBPHS and Central Office work collaboratively to ensure the WIN Attendance Tracking report utilizes a simple formula that can be replicated by MBPHS Principals and Central Office. 2. Provide training to: <ul style="list-style-type: none"> • MBPHS education staff that input attendance data into the WIN system. • Central Office education staff that input data into the WIN Attendance Tracking report. 3. MBPHS and Central Office work collaboratively to present the 	.

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments										
						are combined and the formula listed at the bottom of the document does not equal the reported percentages listed in the last (far right) column of the WIN Attendance Tracking report.	finalized absentee system with the formula that identifies the accurate percentages of excused and unexcused absences to the court experts for their feedback.											
5.6	<p>Action Item:</p> <p>During site visits and staff interviews, determine whether each DJJ facility provides continuum of placement options, including the full range of time, frequency and duration within each option.</p> <p>Methodology:</p> <p>Review the IEP for a total number of special education services required.</p>		X			<p>Partial Compliance</p> <p>Finding 4:</p> <p>Special education and related services were not provided to all special education eligible students.</p> <p>Monthly reports from MBPHS failed to support the provision of a full continuum of placement options, including range of time, frequency, and duration of services.</p>	<p>1. MBPHS and Central Office work collaboratively to provide additional resources to address the lack of a full continuum of special education services (Speech and Language Specialists (SP/LANG), etc.).</p> <p>2. Work collaboratively to address staffing concerns of court mandated special education services; especially when</p>	<p>Students are required to receive 90 percent or more of mandated services.</p> <p>See summary below: Percentage of mandated services students are receiving.</p> <p>Resource Specialist (RSP)</p> <p>Psychiatrist/Psychologist (PSYCH)</p> <table><tr><td><u>August</u></td><td></td></tr><tr><td>RSP</td><td>50%</td></tr><tr><td>SDC</td><td>36%</td></tr><tr><td>PSYCH</td><td>56%</td></tr><tr><td>SP/LANG</td><td>33%</td></tr></table>	<u>August</u>		RSP	50%	SDC	36%	PSYCH	56%	SP/LANG	33%
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CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
	<p>Review the special education report for proof that 90 percent of services are provided.</p> <p>Review WIN One Day Class Roster (general resources) to ensure 240 minutes of instruction.</p> <p>Review attendance for possible interference with the 240 minutes of instruction (work assignments, dorm hold-backs, counseling, position vacancies, drug classes, etc.).</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 40.</p>					<p>During the review period, students failed to receive 90 percent or more of their IEP mandated services.</p> <p>Cause:</p> <p>MBPHS has not been able to hire appropriately credentialed teachers, due in part to, departmental right-sizing, hiring freeze exemptions, and setbacks in implementation of the State Restriction of Appointments list.</p> <p>Additionally, the lack of classroom space, due in part to, classroom repairs, maintenance, and shortage of teachers directly impacts MBPHS's ability to provide a full</p>	<p>positions are tied to services provided to special education students, e.g., right-sizing SP/LANG from one full time position to a part-time position.</p> <p>3. Work collaboratively with DJJ to address the right-sizing of special education positions, especially those positions tied to courts mandates and American with Disabilities Act requirements; such as the right-sizing of SP/LANG from one full time position to a part-time position.</p>	<p><u>September</u></p> <p>RSP 10%</p> <p>SDC 15%</p> <p>PSYCH 48%</p> <p>SP/LANG 38%</p> <p><u>October</u></p> <p>RSP 62%</p> <p>SDC 31%</p> <p>PSYCH 100%</p> <p>SP/LANG 38%</p> <p><u>November</u></p> <p>RSP 37%</p> <p>SDC 6%</p> <p>PSYCH 91%</p> <p>SP/LANG 0%</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
						continuum of services to both general and special education students; particularly, the new students from Heman G. Stark Youth Correctional Facility and the Southern Youth Correctional Reception Center and Clinic.		

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
5.7	<p>Action Item:</p> <p>During site visits and through staff interviews, determine whether the continuum of available special education services are provided to all eligible students, including those assigned to restricted settings.</p> <p>Methodology:</p> <p>List of special education youth on restricted programs.</p> <p>Cross reference the WIN Attendance Tracking report and the monthly IEP special education report.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 40.</p>		X			<p>Partial Compliance</p> <p>Finding 5:</p> <p>Special education staff failed to provide 90 percent of the required service hours in the IEP's to a number of students. (See data in item 5.6.)</p> <p>Cause:</p> <p>MBPHS does not have the appropriate resources available to provide a full continuum of special education and related services to all special education eligible students.</p>	<p>1. MBPHS and Central Office work collaboratively to provide additional resources to address the lack of a full continuum of special education services (SP/LANG, etc.).</p>	<p>Students are required to receive 90 percent or more of mandated services.</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
5.8	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, of special education files at each site to verify that eligible students are receiving the required number of segments and full instruction day. Interview special education students to verify that services listed in IEP's are being provided.</p> <p>Methodology:</p> <p>Review IEP for the total number of special education services required.</p> <p>Review WIN Attendance Tracking (general resources) to ensure 240 minutes of instruction.</p>		X			<p>Partial Compliance</p> <p>Finding 6:</p> <p>Special education staff failed to provide 90 percent of the required service hours in the IEP's to a number of students. (See data in item 5.6.)</p> <p>Cause:</p> <p>MBPHS does not have the appropriate resources available to provide a full continuum of special education and related services to all special education eligible students.</p>	<p>1. MBPHS and Central Office work collaboratively to provide additional resources to the facilities to address the lack of a full continuum of special education services (SP/LANG, etc.).</p>	<p>Students are required to receive 90 percent or more of mandated services.</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
	<p>Review service provider log and education files to verify accuracy of services to special education students.</p> <p>Interview students to determine whether they are receiving special education and general education for a total of 240 minutes of education instruction (segments).</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 40.</p>							

Review of the Education Services Remedial Plan
VENTURA YOUTH CORRECTIONAL FACILITY

GLOSSARY

ADA	Average Daily Attendance
CPRB	Compliance/Peer Review Branch
DJJ	Division of Juvenile Justice
IEP	Individualized Education Plan
MBPHS	Mary B. Perry High School
NC	Noncompliance
NR	Not Ratable
PC	Partial Compliance
PSYCH	Psychiatrist/Psychologist
RSP	Resource Specialist
SC	Substantial Compliance
SDC	Special Day Class
SP/LANG	Speech and Language Specialists
VYCF	Ventura Youth Correctional Facility
WIN	Ward Information Network